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Letter dated 2 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Lithuania, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-22153 (E) 270302

Annex

Letter dated 28 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Lithuania to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your note of 18 October, 2001, I have the honour to submit to you the report of the Government of the Republic of Lithuania to the Counter-Terrorism Committee on measures Lithuania has taken to implement the provisions of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Andrius **Namavičius**
Chargé d'affaires a.i.

Enclosure

Report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)

IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1373 (2001)

Legislative measures

On October 31, 2001 the Government of Lithuania passed Resolution No. 1281 on the measures for the implementation of the UN Security Council Resolutions 1333 (2000) and 1373 (2001). The Resolution is attached.

The guidelines for the Draft National Anti-Terrorism Program were established by decision of the State Defense Council of Lithuania on September 19, 2001.

The Draft Program is divided into the following main directions:

1. participation in the activities of the international community;
2. enhancement of the general antiterrorist legal framework;
3. protection of the possible targets of terrorism;
4. identification of persons suspected of involvement in terrorist activities;
5. identification of possible terrorist funds or other assets;
6. investigation of terrorist acts;
7. overcoming the crisis situations caused by terrorist acts;
8. reinforcement of the antiterrorist intelligence.

Every direction is developed into more than fifty concrete measures or actions, covering the full range of legal, criminal, financial, intelligence and operational mechanisms.

The National Anti-Terrorism Program will address the measures requiring a medium or long term answer. Those measures will be implemented from a 3 month to 2 years period. The National Anti-Terrorism Program is in the final stage of preparation and will be adopted by the Government in January, 2002.

The Government has allotted additional 7 000 000 Litas (1 750 000 USD) in next years' state budget for the fight against terrorism.

Executive action

Stepped-up security measures are taken to protect strategic sites including the extension of the no-fly zone over the Ignalina nuclear power plant. The control of the Lithuanian borders is being enhanced. Other possible targets of terrorism, such as foreign Embassies, receive a better protection.

Supplementary air transport and airport security measures have been taken by the Civil Aviation Administration on 14 September:

- strengthening of control over the access to the controlled areas of the airports;
- conducting of oral questioning of passengers;
- performance of aircraft checks before boarding;
- ensure luggage and cargo handling only after they have been checked;
- locking the door of the crew cabin.

A list of names of suspected terrorists is investigated for possible identification at the State Security Department and other government institutions, such as State Border Guard Service. There are no indications that persons linked with Usama bin Laden network are on Lithuanian territory.

Criminal groups in Lithuania are also part of this investigation in order to identify or establish possible connections to terrorists.

Enhanced surveillance of persons related to terrorism has been put in place in order to prevent them entering Lithuania.

The movement of goods susceptible to be used for terrorist activities (explosives, weapons, biological, chemical, nuclear materials) is under the enhanced control in order to prevent the entry or transit through the Lithuanian territory.

Contact Persons in the Ministry of Foreign Affairs and diplomatic representations of Lithuania for the anti-terrorist campaign have been appointed.

Other actions taken to implement resolution 1373 (2001)

In accordance with Decision No. 25 of the State Security Council of 19 September 2001, the State Security Department is the co-ordinating institution in Lithuania for combating terrorism. The other institutions involved, within their competence and functions are the following: Ministry of Internal Affairs, Ministry of National Defence, Ministry of Transport and Communications, Ministry of Economy, Ministry of the Environment, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Health, Prosecutor General's Office under the authority of the Supreme Court of Lithuania. Taking part in the implementation of specific measures under the draft National Anti-Terrorism Program of Lithuania are a number of other public institutions within their competence.

In accordance with the Resolution of the Seimas (Parliament of Lithuania), adopted on 20 September 2001, amending the Seimas Resolution On the Development of Long-Term State Programmes for Strengthening Public Security and Their Implementation Plan, the State Security Department has drawn up a draft National Anti-Terrorism Program of Lithuania.

The Draft National Anti-Terrorism Programme provides for conducting an analysis of the links between organized criminal groups, smuggling of dangerous substances, illegal trafficking in arms and narcotic substances, explosives and human beings, and terrorist activities. The Program shall provide for measures preventing such criminal activities.

International co-operation

Lithuania has identified the following disaster relief resources to aid the United States:
- One epidemiologist (military medical officer);
- Two military medical emergency crews;
- A victim identification unit;
- Other disaster relief assets upon specified request.

The NATO Euro-Atlantic Disaster Relief Co-ordination Center has been advised on these available resources.

Authorization has been issued for US Governmental and military aircrafts,to use the Lithuanian air space and land in Lithuanian airports until the antiterrorist campaign comes to an end.

12 Lithuanian military medical personnel are offered for participation in the Operation "Enduring Freedom" as a part of the Czech field hospital.

The Lithuanian Government has allocated 50 000 Litas (12 500 USD) financial assistance for Afghanistan refugees, which will be transferred to the account of the Office of the UNHCR.

Lithuanian police authorities accepted the international warrant for the arrest of Usama bin Laden.

Full data from the Baltic Air Surveillance Network (BALTNET) can be provided through linking BALTNET to NATO air surveillance systems.

A Declaration on Joint Measures by Estonia, Latvia and Lithuania in response of terrorist attacks against United States has been issued.

Antiterrorist intelligence and international co-operation to combat terrorism is being enhanced. Lithuanian authorities are ready to share intelligence with allies and partner countries. Working contacts between the State Security Departments of Lithuania and Poland, Estonia, Latvia, Russia, Ukraine, Belarus have been established.

Joint training programs of Lithuanian and Polish special military forces are foreseen.

Signing of the Agreement between Lithuania and the United States of America concerning co-operation in the area of the prevention of proliferation of weapons of mass destruction and promotion of defense and military relations has been proposed.

RESPONSES TO THE QUESTIONS OF THE COUNTER TERRORISM COMMITTEE

Operative Paragraph 1

Sub-paragraph (a) - What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

The Section on the Prevention of Money Laundering of the Tax Police Department under the authority of the Ministry of Internal Affairs enjoys the status of a unit of financial intelligence, and since 1999 a full member of the Egmont Group (an informal organization which provides a forum for Financial Intelligence Units to improve support to their respective national anti-money laundering programs).

Since the terrorist acts of September 11, 2001, in the United States, the Division on the Prevention of Money Laundering of the Tax Police Department under the authority of the Ministry of Internal Affairs has been receiving requests from the law enforcement institutions of other countries for information on natural and legal persons that may be connected to terrorism. Currently the Section on the Prevention of Money Laundering of the Tax Police Department is conducting an investigation in respect of those subjects.

In accordance with the Law on the Prevention of Money Laundering of Lithuania, the Division on the Prevention of Money Laundering of the Tax Police Department under the authority of the Ministry of Internal Affairs has sent enquiries to commercial banks of Lithuania and branches of foreign banks established in Lithuania requesting information on the bank accounts of persons and organizations suspected with terrorist activities, held in the credit institutions of Lithuania. These institutions are requested to inform the Division on the Prevention of Money Laundering of the Tax Police Department under the authority of the Ministry of Internal Affairs without any delay in case the persons or their representatives referred to above open new accounts, make deposits, use safety deposit boxes, make any other agreements or cash transactions.

In supervising the activities of the credit institutions, the Bank of Lithuania, in accordance with the Law on the Bank of Lithuania, has a right to receive all the information necessary for its supervision function from public and credit institutions, their branch companies as well as from other enterprises, institutions and organizations. The information received may not be disclosed publicly or passed to any persons, except to administrative, control or law enforcement institutions in cases provided for by the law. Under the Law on Commercial Banks, the Bank of Lithuania has a right to receive, on request, all the documents and information related to the establishment of the commercial bank and its activities. At the request of other institutions, documents and information is provided in the cases and in the procedures provided for by the law.

Under Article 12 of the Law on the Prevention of Money Laundering, credit and financial institutions engaged in cash transactions are obliged to supply information on the identity of the client and his or her cash transaction to the tax police in cases where the amount of a single cash transaction or a group of related cash transactions is in excess of 50,000 Litas (12 500 USD) or the respective amount in foreign currency. Notaries public and persons entitled to perform notarial actions are obliged to supply information on the identity of the client and his or her cash transaction to the tax police in cases where the amount received or paid under the transaction is in excess of 50,000 Litas (12 500 USD) or the respective amount in foreign currency. The

information supplied to the tax police shall include information on the identity of the client; in cases where the cash transaction is made through a representative, the information on the identity of the representative; the amount of cash involved in the transaction; the currency in which the cash transaction was made; the date of the cash transaction; the manner in which the cash transaction was made; the subject on whose behalf the cash transaction was made.

Insurance companies inform the tax police of the identity of the client and the insured person and of the premiums received in cases where from the beginning of the calendar year or from the latest report the amount of single premiums under one or more policies exceeds 10,000 Litas (2 500 USD) or where the amount in periodical premiums exceeds 5000 Litas (1 200 USD), or the respective amounts in foreign currency.

Credit institutions inform the tax police of the identity of the client and a single operation of currency exchange in cases where the amount of cash exchange is in excess of 20,000 Litas (5000 USD), or the respective amount in foreign currency.

The Draft National Anti-Terrorism Programme of Lithuania provides for the following measures suppressing the financing of terrorism:

1. to draw up amendments to the Law on the Prevention of Money Laundering by including provisions on the prevention of terrorist financing and by conferring respective powers to the State Security Department.
2. to create a system for the suppression of terrorist financing through the credit and financial institutions operating in Lithuania.
3. to create a regime of declaration of acquisitions of expensive assets in the of Lithuania by non-nationals or other funds acquired or transferred by them.
4. to tighten the procedures for the establishment of the identity of the clients of the credit and financial institutions of the of Lithuania.
5. to define the criteria of suspicion to be applied to the cash transactions possibly related to terrorist financing carried out at credit and financial institutions.
6. to expand the mandatory register of the cash transactions by the clients of credit and financial institutions by including information on suspicious transactions possibly related to terrorist financing.
7. to develop a database of financial information on suspicious cash transactions and the legal and natural persons engaged in such transactions.
8. to consider possibilities of receiving financial information related to terrorist financing directly from other states and also through other institutions of the of Lithuania.

These measures will be implemented by the end of the year 2002. While implementing them Lithuania intends to consult with the experts from the region as well as US and other countries.

Sub-paragraph (b) - What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

Under the Criminal Code of Lithuania conspiracy in the criminal act includes perpetrating, organizing, abetting and other accessory help in the criminal act (consulting, financing, supply of equipment, obviating obstacles). Thus, the willful provision or collection of funds with the intention that these funds should be used in order to carry out terrorist acts falls under the definition of conspiracy in connection with criminal acts provided by Article 227^1 "Criminal group" and Article 227^3 "Terrorist Act" of the Criminal Code.

The criminal activities under Article 227^1 "Criminal group" are punishable by imprisonment from 4 years up to life imprisonment. The terrorist activities under article 227^3 are punishable up to life imprisonment.

The Seimas of Lithuania is currently considering the draft law on the amendment of Articles 226^1 and 227^3 of the Criminal Code by expanding the concept of a terrorist act, establishing criminal responsibility not only for planting explosives, bombing or arson but also for any other destruction or damage of a building or facility, or the spread of biological, radioactive or chemical substances, preparations or micro-organisms. In addition, criminal responsibility is established for the creation of a terrorist group consisting of three or more persons, the financing of or provision of any other support to such a group. This is in line with the UN Convention for the Suppression of the Financing of Terrorism of 9 December 1999 and Resolution 1373 (2001) of UN Security Council of 28 September 2001. Corresponding amendments will be made to Article 250 of the newly adopted Criminal Code.

Draft Paragraph 5 Article 227[3] provides that the creation of or participation in a terrorist group consisting of three or more persons for the commission of a terrorist act or the financing of such a group or the provision of any other support to it will be punishable by imprisonment from four to ten years.

Sub-paragraph (c) - What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Articles 194[1], 194[2] and 195 allow the police investigator, the interrogator and the prosecutor to suspend the ownership rights to assets, including funds in bank accounts, or to seize the assets on a reasoned decision sanctioned by the Prosecutor General or the Deputies of the Prosecutor General of Lithuania, or by the chief prosecutors of regions or districts or their deputies. These measures may be applied to ensure the possible forfeiture of the assets. It is noteworthy that under Article 93 (1) of the Criminal Code the instruments of the crime belonging to the defendant must be confiscated.

Sub-paragraph (d) - What measures exist to prohibit the activities listed in this sub-paragraph?

Resolution 1281 of the Government of Lithuania ensures that measures are undertaken in order to prohibit the disposal of funds and other financial assets of Usama bin Laden and individuals and entities associated with him including the Al-Qaida organisation. This prohibition applies also to funds derived or generated from the property owned or controlled directly or indirectly by Usama bin Laden and individuals and entities associated with him. The Resolution ensures that no funds or financial resources are made available by the nationals of Lithuania or by any persons or entities within the territory of Lithuania, directly or indirectly, for the benefit of Usama bin Laden, his associates or any other persons or entities owned or controlled, directly or indirectly, by Usama bin Laden or individuals and entities associated with him including the Al-Qaida organisation.

Operative Paragraph 2

Sub-paragraph (a) - What legislation or other measures are in place to give effect to this sub-paragraph? In particular what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

The Criminal Code of Lithuania establishes the responsibility for the creation of a criminal group with the aim of common criminal activity - perpetrating serious criminal acts, and involvement in the activity of such group. The creation of such group, acts of terror, involvement in them and attempts of acts of terror are serious criminal acts under the Lithuanian law. The supply of weapons to terrorist falls under the definition of conspiracy in a criminal act (see sub-paragraph 1 b above).

The Lithuanian system of import, transit and export control of strategic goods guarantees the implementation of UN Security Council resolutions, and compliance with the criteria of EU Code of Conduct on Arms Exports as well as other provisions of international export control regimes.

Under the Regulations on the Export, Import and Transit of Arms and Ammunition, approved by the Government on 10 April 1998 by its Resolution No. 436, every time a batch of arms and/or ammunition is exported, the enterprise must obtain the permission of the Police Department to export the arms and ammunition. The application for the permission must be accompanied by the contract and the end user's certificate issued by the public institutions in charge of the circulation of arms and ammunition of the importing country. Arms and ammunition included in the lists of controlled strategic goods and technologies are imported, transported in transit or exported in accordance with the Law on the Controls of Import, Transit and Export of Strategic Goods and Technologies of Lithuania, which transposes international agreements and instruments prohibiting the dissemination of weapons of mass destruction and their missile carriers.

A new draft Law on the Control of Arms and Explosives has been drawn up and submitted to the Seimas for consideration; the new draft law is in compliance with the requirements of the respective EU legal acts.

The Draft National Anti-Terrorism Program provides for drawing up by April 2002 a draft law on fight against terrorism (possibly to be referred to as the draft law on the prevention of terrorism), including the definition of terrorism (terrorist activities), the main provisions on the prevention of terrorism, objectives and actions in the fight against terrorism, institutions responsible for this fight and the coordination of actions between them.

The Draft National Anti-Terrorism Program also provides for drawing up by April 2002 amendments to the Criminal Code by clarifying the concepts of a terrorist act (Article 227-3) and terrorism against a person (Article 227-2) as well as establishing criminal responsibility for the creation of a terrorist group, involvement in its activities, financing and other kinds of support to terrorist activities.

Sub-paragraph (b) - What other steps are being taken to prevent the commission of terrorists acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?

Consultations at the working level with other countries of the region, as well as international community, provide the basis for early warning mechanisms.

The steps taken to prevent the commission of terrorist acts were described in the part "Executive measures".

Sub-paragraph (c) - What legislation or procedures exist for denying safe haven to terrorists such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.

Under Article 7 of the Law on the Legal Status of Aliens, an alien is denied entry in the of Lithuania if his or her presence in the of Lithuania would pose a threat to state security, public order, the health or good morality of the population (point 6) also if he or she has committed crimes against humanity or committed genocide (point 8). Under Article 14 (1) (1) of this Law, an alien is denied a residence permit if his residence in the of Lithuania would create a threat to its security, public order, the health and good morality of the population. That could be a sufficient reason under Article 21 (1) (6) to cancel a temporary residence permit issued to an alien. Article 24 (1) (3) provides that the permanent residence permit issued to an alien may be cancelled if his or her residence creates a grave threat to the security of the Lithuanian State, its public order or the health or good morality of its population.

Under Article 4 of the Law on Refugee Status a foreigner is denied refugee status if there is reason to believe that before his or her arrival in Lithuania he or she committed a serious non-political crime or is guilty of actions contrary to the principles and purposes of the United Nations Charter (point 3) or there is reason to believe that he has committed a crime against peace, humanity or a war crime as defined in the international treaties to which Lithuania is a state party (point 4).

Under the 1977 European Convention on Fight against Terrorism, commission of terrorist acts, involvement in terrorist acts, attempts to commit terrorist acts are qualified as grave non-political crimes. Under the Criminal Code of Lithuania conspirators in the criminal act include a perpetrator, an organizer, an abettor and an accessory. Therefore, persons suspected of having committed terrorist acts, of having participated in terrorist acts or attempted to commit such acts as well as persons who have instigated, planned or supported terrorist acts or granted asylum to such persons shall not be granted refugee status by Lithuania.

The laws provide for a possibility of withdrawing refugee status or temporary residence permit issued for humanitarian reasons if it is established that after obtaining asylum the non-national is considered to be posing threat to the security of Lithuania or public order.

Non-nationals who have been refused asylum in Lithuania (including those who have been refused asylum and those refused the temporary residence permit) are deported from the country in accordance with the Law on the Legal Status of Aliens of Lithuania.

While co-operating with other relevant institutions of Lithuania (the State Border Control Service under the Ministry of Interior, the State Security Department), the Migration Department under the authority of the Ministry of Internal Affairs applied the provisions of the legal acts referred to above in order to prevent persons considered dangerous to the security and public order of Lithuania from availing themselves of the right to asylum. In 2001, 6 asylum seekers in respect of whom the State Security Department presented its negative conclusions were denied refugee status and deported from Lithuania.

The draft National Anti-Terrorism Program provides for amending the existing resolutions of the Government and interagency legal acts with the aim of strengthening border control, preventing the movement of terrorists and their groups, counterfeiting, forgery and fraudulent use of documents. Amendments will be drawn to the Law on the Legal Situation of Foreign Nationals and the Law on Refugee Status related to the prevention of terrorism by defining clearer procedures for the establishment and granting of the status of a refugee and the regime for the issue and withdrawal of the residence permits to non-nationals.

The implementation of the Information System for the State Border Guard Service is in its completion phase and the National Schengen Information System is under preparation. This system will ensure a permanent speedy transmission of encrypted information from consular posts on persons requesting visas of Lithuania. A forthwith forwarding of this information to the State Security Department will be ensured.

Under the draft National Anti-Terrorism Program a single and effective system for the registration of foreign nationals present in Lithuania should be introduced. Organisational and legal measures to implement the legal control of foreign nationals are foreseen.

Sub-paragraph (d) - What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.

According to Article 6 of the Criminal Code of Lithuania nationals and permanent residents of Lithuania are responsible under the Lithuanian law for the crimes committed abroad.

Other persons can be brought to trial under Lithuanian law for crimes committed abroad only if the act is recognized as a crime both by the law of the country where the act was committed and the criminal law of Lithuania.

The implementation of this sub-paragraph is also ensured by provisions of the Criminal Code on the responsibility for the creation of a criminal group with the aim of common criminal activity - perpetrating serious criminal acts, and involvement in the activity of such group.

Sub-paragraph (e) - What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

Crimes under Article 227^3 of the Criminal Code are attributed to the category of serious crimes. Under the criteria provided for in Article 11 of the new Criminal Code a terrorist act is attributed to the very grave crimes.

Planting explosives, bombing or arson under paragraph 1 of Article 227^3 is punishable by imprisonment for up to ten years, whereas the qualified acts having caused injuries or casualties under paragraphs 2 and 3 are punishable by life imprisonment. In the Draft National Anti-Terrorism Program under the consideration of the Seimas a terrorist act is punishable by imprisonment of up to ten years, a terrorist act causing a bodily injury or destruction or damage to a vehicle or a facility or the equipment in the facility is punishable by imprisonment from three to twelve years; a terrorist act creating a threat to the lives or health of a great number of people as well as the spread of biological, radioactive or chemical substances, preparation or micro-organisms will be punishable by imprisonment from five to fifteen years; the same acts directed against an object of strategic significance or causing grave consequences will be punishable by imprisonment from ten to twenty years or imprisonment for life.

Sub-paragraph (f) - What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.

The international agreements, both bilateral signed with the neighbouring and other countries and multilateral, setting the framework of legal co-operation, extradition and other matters may also be used for the purposes of UN Security Council Resolution 1373, i.e. they can be applied in the fight with terrorism. These agreements stipulate the obligation of the Contracting Parties to render each other assistance related to the ongoing criminal investigations of terrorist acts. The agreements contain definitions of certain activities and commit the states to establish criminal responsibility for them, make them punishable or to extradite the suspected perpetrators. It is noteworthy that the majority of such agreements provide that all such cases are subject to the legislation on mutual legal assistance in criminal proceedings of the requested state. The provisions of such agreements provide a legal basis for rendering assistance to criminal investigations of terrorism conducted by other states.

Sub-paragraph (g) - How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

The protection of the state borders has been enhanced by focusing special attention on the control of persons coming from the third countries.

The security of the Foreigners' Registration Centre in Pabradė has been strengthened including the control of persons and the undercover work at the Centre with the aim of establishing the connection of the inmates to terrorist groups and preventing possible provocative and terrorist attacks.

The implementation of the information system for state border control has been completed and is already in use. Great attention is given to the control of documents, including the acquisition of new technologies for identification purposes and training courses for the staff.

The State Border Guard Service under the authority of the Ministry of Interior co-operates actively with the counterpart law enforcement institutions of the neighboring countries, participates in long-term and short-term international projects intended to control the processes of illegal migration.

Operative Paragraph 3

Sub-paragraph (a) - What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

Working contacts between the State Security Departments of Lithuania and Poland, Estonia, Latvia, Russia, Ukraine, Belarus have been established.

Antiterrorist intelligence and international co-operation to combat terrorism is being enhanced. Lithuanian authorities are ready to share intelligence with partner countries.

Draft National Anti-Terrorism Programme provides for exchanging undercover and other information on international terrorist organisations, their members and activities, including the exchange of classified information with the special and intelligence services of other countries. The special authorities should also exchange information concerning the links of the mentioned persons and organizations with extremist political organisations or criminal associations.

Sub-paragraph (b) - What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?

Lithuania is taking an active part in the activities of Interpol. Plans for the near future include the expansion of the network of liaison officers, signing a co-operation agreement with Europol, strengthening bilateral relations by signing agreement on co-operation in fighting organized crime, illegal drug trafficking, terrorism and other grave crimes (in 2000 an agreement of this kind was signed with Poland, this year – with the German Federation, next year a similar agreement will be signed with the Czech Republic.)

Sub-paragraph (c) - What steps have been taken to cooperate in the areas indicated in this sub-paragraph?

Lithuania is signatory to 8 of the 12 universal Conventions related to counter-terrorist activities and has ratified 7. Lithuania is party to the following major conventions for combating terrorism:

- 1979 International Convention against the Taking of Hostages.
- 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft.
- 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.
- 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection.
- 1970 Convention for the Suppression of Unlawful Seizure of Aircraft.
- 1979 Vienna Convention on the Physical Protection of Nuclear Material.

- 1997 International Convention for the Suppression of Terrorist Bombing, Lithuania signed on 08 06 1998.
- 1977 m. European Convention for the Suppression of Terrorism.

Sub-paragraph (d) - What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

At present, Lithuania has not yet acceded to four UN Conventions for combating terrorism. The Draft National Program against Terrorism provides for accession and ratification of these four UN Conventions:

- 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents;
- 1999 International Convention for the Suppression of the Financing of Terrorism;
- 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation;
- 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.

The Ministry of Justice will initiate Lithuania's accession to the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents. In co-operation with the Ministry of Finance it will also initiate the accession to the 1999 International Convention for the Suppression of the Financing of Terrorism. The Ministry of Justice has commissioned the translation of the above mentioned conventions to the Translation, Documentation and Information Centre.

The Ministry of Communications will initiate Lithuania's accession to the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation.

The Ministry of Economy will initiate Lithuania's accession to the 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.

Sub-paragraph (e) - Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.

Lithuania has fully implemented the international Conventions against terrorism to which it is a Party, and has followed the UN Security Council Resolutions concerning the anti-terrorism measures.

Sub-paragraph (f) - What legislation procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

Asylum may be granted in Lithuania for humanitarian reasons of Article 19.3 of the Law on the Legal Status of Aliens. However, under point 1 Article 14.1 a residence permit may not be issued to an alien whose residence in the country would pose a threat to the state security, public order, health or good morality of the population. In accordance with the requirements of the Law, the Migration Department under the authority of the Ministry of Internal Affairs sends the appropriate enquiries to the State Security Department, the National Bureau of Interpol and other competent law enforcement institutions. Residence permits are not issued to persons in respect of who the institutions referred to above issue a negative conclusion.

Sub-paragraph (g) – What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

Article 10.5 of the Law on Refugee Status provides that an alien whose request for refugee status is obviously unwarranted shall not be allowed to enter or to stay on the territory of Lithuania. Under Article 2.7 an obviously unwarranted request for refugee status is a request intended to abuse the procedures of granting asylum. This provision is a guarantee preventing any non-national from abusing the procedures of granting asylum. This provision has been applied by the Migration Department under authority of Ministry of Interior since September 1, 2000, the date on which the Law on Refugee Status came into effect. During that period 8 asylum seekers have been denied entry or they have not been allowed to stay on the territory of Lithuania.

GOVERNMENT OF THE REPUBLIC OF LITHUANIA
RESOLUTION
ON MEASURES FOR THE IMPLEMENTATION OF RESOLUTIONS OF THE UNITED NATIONS SECURITY COUNCIL

No 1281
31 October 2001
Vilnius

Acting pursuant to resolutions of the UN Security Council - resolution 1333 (2000) of 19 December 2000 and resolution 1373 (2001) of 28 September 2001, obligatory for all UN Member States in accordance with Article 25 of the Charter of the United Nations, the Government of the Republic of Lithuania has resolved:

1. To undertake measures to prevent supply or any transfer of weapons and ammunition, military equipment, vehicles and spare parts to the territory of Afghanistan under Taliban control by the nationals of the Republic of Lithuania and from the territory of Lithuania or using aircraft registered in the Republic of Lithuania.

2. To prohibit public authorities to provide direct or indirect technical assistance and training for the possible military or security use related to the Taliban military activities into the territory of Afghanistan under Taliban control and to undertake measures that persons and entities and non-governmental organisations do not provide direct or indirect technical assistance and training for the possible military or security use related to the Taliban military activities into the territory of Afghanistan under Taliban control.

3. To determine that provisions of paragraphs 1 and 2 shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use and related technical assistance or training if approved by the Committee of the UN Security Council (hereafter referred to as the Committee) established pursuant to resolution 1267 (1999) of 15 October 1999, and measures imposed by paragraph 1 above do not apply to protective clothing, including flack jackets and military helmets, exported to Afghanistan for the United Nations personnel, representatives of the media and humanitarian aid and development programme workers for their personal use only.

4. To undertake measures in order to prohibit the disposal of funds and other financial assets of Usama bin Laden and individuals and entities associated with him including the Al-Qaida organisation, and including funds derived or generated from the property owned or controlled directly or indirectly by Usama bin Laden and individuals and entities associated with him, and to ensure that neither they nor any other funds or financial resources are made available by the nationals of the Republic of Lithuania or by any persons or entities within the territory of the Republic of Lithuania, directly or indirectly, for the benefit of Usama bin Laden, his associates or any other persons or entities owned or controlled, directly or indirectly, by Usama bin Laden or individuals and entities associated with him including the Al-Qaida organisation.

5. To undertake measures to prevent the supply or any transfer of precursors to persons in the territory of Afghanistan under Taliban control, or to any person for the purpose of any activity carried on or operated from the territory under Taliban control.

6. To authorise the Ministry of Foreign Affairs, the Ministry of National Defence and the Ministry of Transport and Communications to deny any aircraft permission to take off from, land in or over-fly the territory of the Republic of Lithuania provided it has taken off from, or is destined to land at a place in the territory of Afghanistan under Taliban control, unless the particular flight has been approved in advance by the Committee. To determine that the measures imposed by this paragraph shall not apply to flights operated by the United Nations, humanitarian and other organisations from the list compiled by the Committee. The Ministry of Foreign Affairs shall submit the list of such organisations to responsible institutions.

7. To prohibit the entry into the territory of the Republic of Lithuania or transit through it of all senior officials of the rank of Deputy Minister or higher in the Taliban, the equivalent rank of armed personnel under the control of the Taliban, and other senior advisers and officials unless those officials are travelling for humanitarian purposes, to perform religious obligations or their travel promotes discussion of a peaceful solution of the conflict in Afghanistan.

8. To prevent the establishment in the territory of the Republic of Lithuania Taliban offices and Ariana Afghan Airlines.

9. To afford other states the greatest measure of assistance in connection with criminal investigations or persecution relating to the financing and support of the terrorist acts, including assistance in obtaining evidence if possessed by the Republic of Lithuania related to persecution.

10. To strengthen border controls and controls on issuance of identity papers and travel documents in order to prevent the movement of terrorists and terrorist groups, and to prevent forgery or fraudulent use of documents.

11. To intensify and accelerate the exchange of information among the states regarding terrorist activities, terrorist organisations, forged or falsified documents, traffic in arms, explosives or sensitive materials, use of communication technologies and weapons of mass destruction possessed by terrorists.

12. To authorise ministries and governmental agencies to recommend organisational, technical and legal measures to the State Security Department of the Republic of Lithuania to be included into the Programme against terrorism.

13. To direct ministries and governmental agencies to take all necessary measures in order to enforce this Resolution and to notify the Ministry of Foreign Affairs of its implementation thereof.

14. To direct the Ministry of Foreign Affairs to provide relevant information to appropriate UN institutions regarding the implementation of resolutions of the UN Security Council – resolution 1333 (2000) of 19 December 2000 and resolution 1373 (2001) of 28 September 2001.

Prime Minister — Algirdas Brazauskas

Minister of Foreign Affairs — Antanas Valionis